Before the Federal Communications Commission Washington, DC 20554

In the Matter of)
Revitalization of the AM Radio Service) MM Docket No. 13-249
)

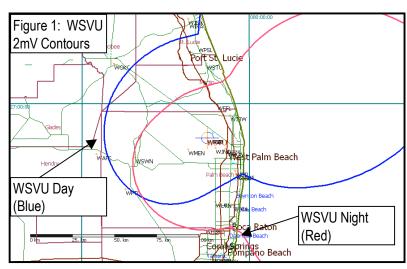
SUPPLIMENTAL COMMENTS OF KYLE MAGRILL

In the draft release of the Second Report and Order in FCC MB Docket No 13-249, the draft says in paragraph 4:

"We therefore amend section 74.1201(g) of the rules to provide that an FM translator rebroadcasting an AM broadcast station must be located such that the 60 dBμ contour of the FM translator station must be contained within the greater of either (a) the 2 mV/m daytime contour of the AM station, or (b) a 25-mile radius centered at the AM station's transmitter site".

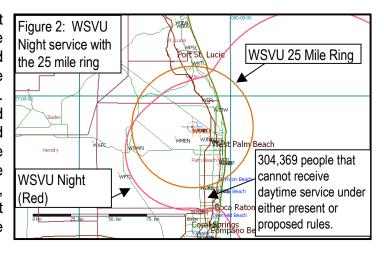
The problem with this proposal is that some AM stations will not gain certain needed FM translator coverage. There are AM stations that serve different populations in the night vs the day. Most AM stations have bigger coverage areas in daytime operation than they do at night, but this is not the case for a handful of stations.

As an example, I would point to WSVU an AM station serving the West Palm Beach market. Figure 1 shows WSVU's day and night coverage areas. WSVU covers a substantial segment of the market at night that is not covered during the daytime. Specifically, 526,373 people receive nighttime service from WSVU that do not receive service during the day. The current rules do not allow WSVU to serve this nighttime population



with an FM translator. So, a very substantial number of people that can listen to WSVU at night have no method of listening during the daytime service hours.

When we add the 25 mile ring that has been proposed (Figure 2), we see that some of the affected nighttime population falls within the 25 mile ring, but most do not. Specifically, the 25 mile ring would include about 222,004 affected nighttime listeners that could receive a translator broadcast under the proposed changes. However, 304,369 people would still be left without daytime service under the proposed new changes.



In adopting the original report and order, the Commission noted that many AM stations would benefit from FM translator coverage because they had poor nighttime coverage. It was reasoned that a translator could provide nighttime service for stations lacking an effective signal at night. Here we have a case for a station that lacks an effective signal in the day. If translators benefit the public and AM broadcasters by providing effective nighttime coverage, isn't WSVU also entitled to have effective coverage both day and night as well?

The wording of the rules, both existing and proposed, seem to arbitrarily prefer the daytime audience over the nighttime audience. Unless the Commission has some reason as to why nighttime listeners should not be entitled to receive FM translator coverage, then the wording of the 74.1201(g) should be revised to include the greater of the 2mV contour, either day or night, or the 40km radius.

If it should prove to be impossible to change the wording of 74.1201(g), then the staff could be directed to consider waiver requests for fill-in FM translators specifying nighttime 2mV contours in addition to daytime 2mV contours.

Respectfully Submitted,

Kyle Magrill 22 February, 2017